

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 4:11CR3051
v.)
ALAN MICHAEL FITZGERALD II,) MEMORANDUM AND ORDER
Defendant.)

The defendant has moved to continue the trial currently set for August 8, 2011. (Filing No. 19.) As explained in the defendant's motion, defense counsel is unavailable for trial the week of August 8, and the parties are engaged in plea discussions. The government does not oppose the requested continuance. The court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (filing no. 19), is granted.
- 2) The trial of this case is set to commence before the Honorable Richard G. Kopf at 9:00 a.m. on September 12, 2011, or as soon thereafter as the case may be called, for a duration of three (3) trial days, in Courtroom 1, United States Courthouse, Lincoln, Nebraska. Jury selection will be held at commencement of trial.
- 3) Based upon the showing set forth in the defendant's motion and the representations of defendant's counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and September 12, 2011 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7)(A).

DATED this 28th day of July, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge